

# Holland & Knight

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November 22, 2021

*Via ECF*

Honorable Edward S. Kiel  
United States Magistrate Judge for the District of  
New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark NJ 07101

Re: *Ameritas Life Ins. Corp. v. Wilmington Trust, N.A., as Securities Intermediary*, Civil  
Action No. 2:19-cv-18713

Dear Judge Kiel:

This firm represents Wilmington Trust, N.A., as Securities Intermediary ("Securities Intermediary"), the Defendant and Counterclaim Plaintiff in the above-referenced action. We write to discuss two disputes that have not been included in the Court's recent (November 7, 2021) text order, entered at Dkt No. 85 ("Text Order").

The Text Order directs parties to file a joint letter by November 23, and to participate in a November 30 conference. The Text Order references only docket entries and the motion relating to the discovery dispute between Ameritas Life Ins. Corp. ("Ameritas") and third-party Life Equity LLC. Therefore, the Order appears limited to the parties to the motion to enforce the subpoena directed to Life Equity LLC (*i.e.*, Ameritas and Life Equity).

We note, however, that there are two additional discovery disputes pending before the Court. These are:

1. Securities Intermediary's challenge to the sufficiency of Ameritas' document production, briefed by joint pre-motion letter filed at Dkt No. 63 on July 1, 2021,

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discussed at the July 9, 2021 conference, and further briefed at Dkt Nos. 72, 73, 76, 81, and 82; and

2. Ameritas' motion to compel Michel Goldman's subpoenaed third party deposition, filed on October 12, 2021 (Dkt. No. 83), which Securities Intermediary has opposed on the basis that the parties' long-pending dispute should be resolved first, so that Securities Intermediary is not further prejudiced by depositions conducted before Securities Intermediary has received a full and meaningful production of responsive documents from Ameritas.

Securities Intermediary looks forward to discussing its discovery dispute with Ameritas with Your Honor, and respectfully requests that it also be scheduled for discussion with the Court at the Court's earliest convenience.

We thank you in advance for your attention to this matter.

Sincerely yours,

HOLLAND & KNIGHT LLP

/s/ Katherine A. Skeele  
Katherine A. Skeele

cc: Rebecca Canamero, Esq., *via* NYECF  
Jesus E. Cuza, Esq., *via* NYECF  
Robert Lesko, Esq., *via* NYECF